

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

ATER KULANG MABOR,

Petitioner,

v.

Case No. 10-C-186

RODNEY KRIETZMAN et al.,

Respondents.

ORDER ON THE PETITION FOR A WRIT OF HABEAS CORPUS

On March 8, 2010, Ater Kulang Mabor (“Kulang”), a native and citizen of the Sudan who is currently in the custody of the Department of Homeland Security (“DHS”) Immigration and Customs Enforcement (“ICE”) at the Dodge County Detention Center in Juneau, Wisconsin, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. (Docket No. 1.)

Kulang was admitted to the United States as a refugee from the Sudan in 2001. (Docket No. 1 at 1.) Following a criminal conviction, Kulang became removable from the United States and was taken into ICE custody on September 28, 2008. (Docket No. 1 at 1.) An Immigration Judge ordered Kulang removed from the United States to the Sudan on November 28, 2008. (Docket No. 1 at 2.) The Sudan has refused to issue travel documents to Kulang and Kulang contends that the Sudan is unlikely to issue such documents in the foreseeable future. (Docket No. 1 at 2.) Therefore, Kulang seeks release from civil immigration detention. The petitioner has consented to the full jurisdiction of a magistrate judge. (Docket No. 4.)

In accordance with Civil Local Rule 9(a) and Rules 1(b) and 4 of the Rules Governing Section 2254 Cases, the court must now conduct a preliminary review of Kulang's petition. Rule 4 of the Rules Governing Section 2254 Cases states as follows:

If it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief in the district court, the judge must dismiss the petition and direct the clerk to notify the petitioner. If the petition is not dismissed, the judge must order the respondent to file an answer, motion, or other response within a fixed time, or to take other action the judge may order.

Having conducted a preliminary review of the petition, the court is unable to conclude that the petitioner is plainly not entitled to relief, and therefore the respondents shall answer the petition.

IT IS THEREFORE ORDERED:

The clerk shall serve a copy of the petition and this order upon the respondents.

The respondents shall submit an answer in accordance with Rule 5 of the Rules Governing Section 2254 Cases or otherwise respond to the petition within **60 days** of the date of this order.

The petitioner may submit a reply to the respondent's answer or other pleading within **28 days** after the respondents' filing.

Dated at Milwaukee, Wisconsin this 1st day of April, 2010.

s/AARON E. GOODSTEIN
U.S. Magistrate Judge